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C O N F I D E N T I A L HARARE 001933

SIPDIS

STATE FOR AF FOR A/S KANSTEINER AND PDAS SNYDER; AF/S FOR
DELISI AND RAYNOR; AF/PDPA FOR DALTON, MITCHELL AND SIMS
NSC FOR JENDAYI FRAZER
LONDON FOR GURNEY
PARIS FOR NEARY
NAIROBI FOR PFLAUMER

E.O. 12958: DECL: 09/22/2013

TAGS: [PREL](#) [PHUM](#) [KPAO](#) [KMDR](#) [Z1](#)

SUBJECT: GOZ KEEPS THE BOOT ON THE DAILY NEWS

REF: REF: HARARE 1911

Classified By: JPolacheck for reasons 1.5 b/d

11. (C) Over the weekend of Sept 19th, the GOZ solidified its position in its battle (ref) to keep the only independent daily newspaper in Zimbabwe, The Daily News (TDN), closed. The parent company of TDN, Associated Newspapers of Zimbabwe (ANZ), filed an application with the Media and Information Commission (MIC) to register as a mass media organization as required by the oppressive Access to Information and Privacy Protection Act (AIPPA). The High Court ruled that while the application was pending, ANZ had the right to resume publishing TDN under Sec. 8 of AIPPA. For two days, Sept 18-19, the police did not allow publication in defiance of the ruling.

12. (C) In the dead of the night of Friday, Sept 19, a letter was delivered to the home of Sam Nkomo, CEO of ANZ announcing the MIC's decision. The letter was addressed to Gugulethu Moyo, ANZ's legal counsel, at the address of the occupied TDN offices. ANZ only learned about the MIC decision in the Sept 20th edition of the government-controlled "The Herald," senior members of ANZ had been sleeping in safe houses for days and thus the letter was not received on Sept 19. The MIC decision listed several reasons for rejecting the ANZ application, none of which were contained in AIPPA. ANZ held a press conference on Sept 20 in an attempt to get their side of the story out. The remnants of the international and independent press corps did attend. The only way to appeal an MIC decision is to go to the Administrative Court which can only accept or reject an MIC's decision. If the Court rejects an MIC decision, AIPPA stipulates that the MIC reconsiders the matter. According to the law, this Kafkaesque circle repeats ad infinitum. Nevertheless, according to Moyo, ANZ will be pursuing this legal avenue among many others.

13. (C) The other options being pursued by the ANZ to get TDN back on the streets include selling their assets to one of the independent weeklies so that the weekly could become a daily or externalizing production and importing TDN as a weekly. The online division is already in the process of being sold to a South African concern so that at least the website can resume publishing. ANZ and the Media Institute of Southern Africa/Zimbabwe (MISA/Z) are challenging the appointment of the MIC. According to the suit, the MIC members were not properly appointed even under the lax rules of AIPPA.

14. (C) According to ANZ officials, ever since the High Court ruled that ANZ had the right to publish under Sec. 8 of AIPPA, the homes of senior members of ANZ, including Moyo, the editors, the production managers and the head of the worker's committee, were visited by non-uniformed men who refuse to identify themselves or their reasons for seeking the ANZ officials. ANZ officials were already in safe-houses and thus were unable to talk with these men to discern who they are or what their mission was. Moyo has suggested that this is a intimidation tactic.

15. (C) COMMENT For the moment, GOZ has succeeded in its primary objective: keeping TDN off the streets. There is now no counter-weight to the daily propaganda of "The Herald" and "The Chronicle" (the government-controlled daily in Bulawayo) coming from Minister Jonathan Moyo's office. The speedy, four-day, decision by the MIC (published statements from the MIC Chairman originally implied that the decision would be slow in coming) was clearly in response to the High Court ruling allowing ANZ to publish. Though ANZ will continue to struggle, for the moment the GOZ seems to have won this battle. Post feels the GOZ is continuing to push the boundaries of what the international community will accept, possibly testing to see if South Africa will continue to advocate for Zimbabwe's return to the Commonwealth even as this crack-down continues. Post requests that Washington continue to issue public statements condemning the behavior of the GOZ, track this issue with international media watchdog groups, and that in meetings with representatives of

Zimbabwe's neighbors, especially South Africa, we raise this issue.

SULLIVAN